Supreme Court, U.S.
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No. 87-626

IN THE
Supreme Court of the United States
OCTOBER TERM, 1987

MICHAEL N. SHERIDAN AND MARY A. SHERIDAN,
Petitioners

v.

THE UNITED STATES

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Fourth Circuit

---

SUPPLEMENTAL BRIEF IN SUPPORT OF PETITION

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January 14, 1988

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Petitioners Michael N. Sheridan and Mary A. Sheridan file this supplemental brief in accordance with Rule 22.6, in order to bring to the Court's attention recent developments in two of the lower court cases cited in their petition for certiorari. The issue presented for review concerns the scope of the intentional tort exception to the Federal Tort Claims Act, 28 U.S.C. § 2680(h). Both petitioner and the United States have requested this Court to grant the petition for writ of certiorari based, in part, upon the need to resolve a split among the circuits that have considered that issue. *See* Pet. 5-10.

In three such cases pending in the Ninth Circuit, *Bennett v. United States*, 803 F.2d 1502 (9th Cir. 1986); *Kearney v. United States*, 815 F.2d 535 (9th Cir. 1986); and *Morrill v. United States*, 821 F.2d 1426 (9th Cir. 1987), the government had filed petitions for rehearing and suggestions for rehearing *en banc*. *See* Pet. 8 n.5. On January 13, 1988, petitioners were informed that the Ninth Circuit has now denied the petitions in both *Bennett* and *Kearney*. That court has not yet acted on the petition in *Morrill*.

The United States concurs in the filing of this supplemental brief.

Respectfully submitted,

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